

DILLINGHAM & MURPHY, LLP  
 PATRICK J. HAGAN (SBN 68264)  
 MARK J. ROGERS (SBN 173005)  
 J. CROSS CREASON (SBN 209492)  
 225 Bush Street, 6th Floor  
 San Francisco, California 94104-4207  
 Telephone: (415) 397-2700  
 Facsimile: (415) 397-3300

Attorneys for Defendant and Cross-Complainant  
 Z-MAN FISHING PRODUCTS, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA - OAKLAND DIVISION

APPLIED ELASTOMERICS,  
 INCORPORATED, a California corporation

Plaintiff,

v.

Z-MAN FISHING PRODUCTS,  
 INCORPORATED, a South Carolina  
 corporation

Defendant.

AND RELATED COUNTERCLAIMS

Case No. C062469 CW

Honorable Claudia Wilken

Trial Date: November 13, 2007

Z-MAN FISHING PRODUCTS, INC.,

Plaintiff,

v.

APPLIED ELASTOMERICS, INC.,

Defendant.

Case No. C0700011 CW

ORDER GRANTING STIPULATION RE  
 DISMISSAL OF CONSOLIDATED  
 ACTION

Applied Elastomerics, Incorporated (“AEI”) and Z-Man Fishing Products, Incorporated  
 (“Z-Man”), through their respective attorneys and pursuant to Federal Rule of Civil Procedure  
 41(a), hereby stipulate as follows:

1           Whereas Z-Man filed an action as Plaintiff against AEI as Defendant in the United District  
2 Court for the District of South Carolina on July 13, 2006, entitled “Z-Man Fishing Products, Inc.,  
3 Plaintiff v. Applied Elastomerics, Inc., Defendant,” Case No. 2:06-cv-02022CWH (the “South  
4 Carolina action”).

5           Whereas AEI responded on to the South Carolina Action on September 13, 2006 by filing  
6 a motion to Stay, Dismiss, or Transfer Venue it to this Court.

7           Whereas the U.S. District Court for the District of South Carolina ruled in AEI’s favor on  
8 its motion to transfer on December 27, 2006 and transferred the South Carolina action to this  
9 Court;

10           Whereas the South Carolina action was subsequently transferred to this Court on January  
11 3, 2007 and assigned the case number C-07-00011 RS;

12           Whereas this Court issued an order on February 27, 2007 relating and consolidating the  
13 South Carolina action with the original action filed in this Court by AEI against Z-Man, case  
14 number 06-2469 CW.

15           Whereas the parties discussed the transfer of the South Carolina action to this Court during  
16 their March 2, 2007 appearance before the Court on AEI’s motion to dismiss and Z-Man’s motion  
17 for leave to file an amended answer, and counsel for Z-Man indicated that it was Z-Man’s  
18 intention to incorporate those claims set forth in the South Carolina action that Z-Man contended  
19 to be valid as additional counter-claims in case number 06-2469 and subsequently dismiss the  
20 South Carolina lawsuit;

21           Whereas in the Court’s March 5, 2007 Order, the Court indicated that Z-Man should  
22 include as part of a Third-Amended Counter-complaint those claims from the South Carolina  
23 Action it wanted to pursue;

24           Whereas on March 15, 2007, Z-Man filed a Third-Amended Counter-complaint;

25           Whereas Z-Man cannot voluntarily dismiss the South Carolina action without an order  
26 from this Court.

27           IT IS HEREBY STIPULATED between AEI and Z-Man as follows:

28           The South Carolina action, case number 07-00011, shall be dismissed in its entirety,

1 without prejudice, each party to bear its own attorneys' fees and costs.

2 Dated: April 18, 2007

MORRISON & FOERSTER, LLP

3  
4 By: /S/ JENNIFER TAYLOR  
JENNIFER TAYLOR  
5 Attorneys for Applied Elastomerics, Inc.

6 Dated: April 18, 2007

DILLINGHAM & MURPHY

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8 By: /S/ MARK ROGERS  
9 MARK J. ROGERS  
10 Attorneys for Z-Man Fishing Products, Inc.

11 IT IS SO ORDERED.

12 4/23/07

13 Dated: \_\_\_\_\_



14 HONORABLE CLAUDIA WILKEN  
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